

# Senate Study Bill 1146

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to workers' compensation insurance coverage  
2 information and benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2566SC 81  
5 av/gg/14

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1 1 Section 1. Section 85.36, subsection 7, Code 2005, is  
1 2 amended to read as follows:  
1 3 7. In the case of an employee who has been in the employ  
1 4 of the employer less than thirteen calendar weeks immediately  
1 5 preceding the injury, the employee's weekly earnings shall be  
1 6 computed under subsection 6, taking the earnings, ~~not and~~  
1 7 including overtime or premium pay, for such purpose to be the  
1 8 amount the employee would have earned had the employee been so  
1 9 employed by the employer the full thirteen calendar weeks  
1 10 immediately preceding the injury and had worked, when work was  
1 11 available to other employees in a similar occupation. If the  
1 12 earnings of other employees cannot be determined, the  
1 13 employee's weekly earnings shall be the average computed for  
1 14 the number of weeks the employee has been in the employ of the  
1 15 employer.  
1 16 Sec. 2. Section 87.1, Code 2005, is amended to read as  
1 17 follows:  
1 18 87.1 INSURANCE OF LIABILITY REQUIRED.  
1 19 1. Every employer subject to the provisions of this  
1 20 ~~chapter~~ and chapters 85, 85A, 85B, and 86, unless relieved  
1 21 therefrom as hereinafter provided, shall insure the employer's  
1 22 liability thereunder in some corporation, association, or  
1 23 organization approved by the commissioner of insurance.  
1 24 2. A motor carrier who contracts with an owner-operator  
1 25 who is acting as an independent contractor pursuant to section  
1 26 85.61, subsection 13, shall not be required to insure the  
1 27 motor carrier's liability for the owner-operator. A motor  
1 28 carrier may procure compensation liability insurance coverage  
1 29 for these owner-operators, and may charge the owner-operator  
1 30 for the costs of the premiums. A motor carrier shall require  
1 31 the owner-operator to provide and maintain a certificate of  
1 32 workers' compensation insurance covering the owner-operator's  
1 33 employees. An owner-operator shall remain responsible for  
1 34 providing compensation liability insurance for the owner=  
1 35 operator's employees.  
2 1 3. Every ~~such~~ employer subject to the provisions of this  
2 2 chapter and chapters 85, 85A, 85B, and 86, shall exhibit, on  
2 3 demand of the workers' compensation commissioner, evidence of  
2 4 the employer's compliance with this section; and if such  
2 5 employer refuses, or neglects to comply with this section, the  
2 6 employer shall be liable in case of injury to any worker in  
2 7 the employer's employ under the common law as modified by  
2 8 statute.  
2 9 4. Every employer subject to the provisions of this  
2 10 chapter and chapters 85, 85A, 85B, and 86, shall post and keep  
2 11 posted in some conspicuous place upon the premises where the  
2 12 employer's business is conducted, the name, address, and  
2 13 telephone number of each licensed insurer, foreign or  
2 14 domestic, providing workers' compensation insurance to the  
2 15 employer. Upon request, the employer shall provide the  
2 16 information posted to an employee or an employee's legal

~~2 17 representative, including the name and telephone number of the~~  
~~2 18 individual claims representative designated by each insurer~~  
~~2 19 named, if identifiable. An employer shall post updated~~  
~~2 20 information within ten days after receiving notice that the~~  
~~2 21 information posted is no longer accurate or complete.~~

2 22 EXPLANATION

2 23 This bill relates to workers' compensation insurance and  
2 24 calculation of certain workers' compensation benefits.

2 25 Code section 85.36 is amended to provide that the  
2 26 calculation of a weekly rate for workers' compensation  
2 27 benefits for employees who were employed less than 13 weeks at  
2 28 the time of injury, includes overtime and premium pay.

2 29 Code section 87.1 is amended to require that an employer  
2 30 post information on its business premises identifying any  
2 31 licensed insurer providing workers' compensation insurance to  
2 32 the employer, and upon request provide such information to an  
2 33 employee or an employee's legal representative. The bill also  
2 34 requires the employer to update the posted information within  
2 35 10 days after receiving notice that the information posted is  
3 1 no longer accurate or complete.

3 2 LSB 2566SC 81

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